

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

DONALD D. MARTIN, JR., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 13-834C
)	(Judge Patricia Campbell-Smith)
THE UNITED STATES,)	
)	
Defendant.)	

JOINT STATUS REPORT

Pursuant to the Court's order dated March 10, 2017, the parties respectfully submit this status report regarding the parties' efforts to calculate the amount of liquidated damages that may be due each collective action member pursuant to the Court's prior decisions.

The parties' previous status report was submitted on June 24, 2019. Counsel for defendant is continuing to work with the agencies to obtain necessary payroll data as expeditiously as possible. Counsel for defendant states that it has received from the agencies the necessary payroll data for the vast majority of collective action members. Specifically, of the 25,251 collective action opt-in claimants, counsel for defendant is working to obtain from the agencies necessary payroll data for 38 claimants. Counsel for plaintiffs continues to work to provide defendant with the remaining requested identifying information for the 195 claimants whom defendant could not initially identify, so that defendant may then request and obtain the requisite payroll data from the cognizant agencies. In addition to these 195 claimants, when counsel for defendant has completed obtaining payroll data for the remaining 38 claimants, counsel for defendant will be providing counsel for plaintiffs a list of claimants who the agency could not identify and for whom additional information is also needed.

Counsel for defendant is also continuing to collect payroll data to verify an agency's report that a claimant was not eligible for damages because the individual was either FLSA exempt or did not work during the shutdown. In addition, counsel for plaintiffs is contacting certain claimants whom the consultant has preliminarily determined are not due liquidated damages, in order to advise the claimants of that determination and to obtain any additional information that the consultant should consider. Once all outstanding data are collected, and the parties finalize the damages methodology, the consultant can then calculate the amount of liquidated damages that the claimants may be due.

Pursuant to the Court's order, the parties will submit a joint status report on August 23, 2019, to further update the Court on the parties' damages calculation efforts.

Respectfully submitted,

s/Heidi R. Burakiewicz
HEIDI R. BURAKIEWICZ
Kalijarvi, Chuzy, Newman
& Fitch, P.C.
818 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20006
(202) 331-9260

Steven A. Skalet
Michael Lieder

Mehri & Skalet PLLC
1250 Connecticut Avenue NW
Suite 300
Washington, DC 20036
(202) 822-5100

Attorneys for Plaintiffs

July 24, 2019

JOSEPH H. HUNT
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

s/Reginald T. Blades, Jr.
REGINALD T. BLADES, JR.
Assistant Director

s/Joseph E. Ashman
JOSEPH E. ASHMAN
Senior Trial Counsel

ERIN K. MURDOCK-PARK
Trial Attorney
Commercial Litigation Branch
Civil Division
Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, D.C. 20044
(202) 353-7578
joseph.ashman@usdoj.gov

Attorneys for Defendant